

Exhibit 5

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

STATE OF TEXAS,)	
Plaintiff,)	
)	
V.)	
)	
ERIC H. HOLDER, JR.,)	
in his official capacity)	
as Attorney General of)	
the United States,)	
Defendant.)	
)	
ERIC KENNIE, et al.,)	
Defendant-Intervenors,)	
)	
TEXAS STATE CONFERENCE)	CASE NO. 1:12-CV-00128
OF NAACP BRANCHES, et al.,)	(RMC-DST-RLW)
Defendant-intervenors,)	Three-Judge Court
)	
TEXAS LEAGUE OF YOUNG)	
VOTERS EDUCATION FUND, et al.,)	
Defendant-Intervenors,)	
)	
TEXAS LEGISLATIVE BLACK)	
CAUCUS, et al.,)	
Defendant-Intervenors,)	
)	
VICTORIA RODRIGUEZ, et al.,)	
Defendant-Intervenors.)	

ORAL DEPOSITION OF
REPRESENTATIVE PATRICIA HARLESS
May 15, 2012

ORAL DEPOSITION OF REPRESENTATIVE PATRICIA HARLESS, produced as a witness at the instance of the Defendant, and duly sworn, was taken in the above-styled and numbered cause on the 15th day May, 2012, from 9:42 a.m. to 7:11 p.m., before Amy C. Kofron, CSR in and for the State of Texas, reported by machine shorthand, at the offices of the United States Attorney, 816 Congress Avenue, Austin, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.



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1 submitted for the 82nd Legislature related to photographic voter
2 identification?

3 A. It was a bill that was prefiled because it's got a low
4 number. Is it photographic or is it --

5 MR. SWEETEN: Just take your time. You can
6 review it.

7 A. I think this was the bill that was similar to the bill
8 filed in -- yeah, driver's license. Yeah. It's a photographic
9 identification bill, yes.

10 Q. Why did you take a more prominent position on this
11 issue in the 82nd Legislature?

12 MR. SWEETEN: Don't reveal any communications
13 that you've had with other legislators, staff, state agencies,
14 constituents or Texas Legislative Council, and don't reveal
15 thoughts, mental impressions or opinions about legislation. To
16 the extent you're not doing so, you can answer that question.

17 A. Well, it's difficult to answer that without revealing
18 communications with constituents, but I will say it's an issue
19 that was important to my district.

20 Q. Did you have any communications in 2010, prior to
21 filing this bill, concerning photographic voter ID with
22 constituents?

23 A. That's privileged.

24 MR. SWEETEN: I'm going to object to legislative
25 privilege.



1 Q. I'm going to ask not in favor or opposed, so I'm not
2 going to ask the position, but I want to ask as a matter of
3 subject matter whether you had any such conversations. And I
4 think that --

5 MR. SWEETEN: You can answer that question. You
6 can identify as to the subject matter that he's saying. You can
7 identify whether you had constituent communications and the form
8 and the approximate date, if you're able to.

9 A. Yes.

10 Q. Did you have -- did you speak with anyone from ALEC,
11 the American Legislative Exchange Council?

12 A. No.

13 Q. Did you speak with anyone from the King Street
14 Patriots?

15 A. No.

16 Q. Did you speak with anyone from any other Tea Party
17 groups?

18 A. No.

19 Q. Did you speak with Catherine Engelbrecht?

20 A. Prior to this legislation?

21 Q. Yes.

22 A. No.

23 Q. Did you speak with her after this legislation?

24 A. That's privileged.

25 Q. As a matter -- not as a matter of whether she



1 supported or opposed the legislation, but just about voter ID.

2 MR. SWEETEN: You can testify about whether or
3 not you had contact and with whom the contact was with. Don't
4 go into the subject matter of it.

5 A. I had contact with her after the committee hearing
6 on --

7 Q. Do you remember the approximate date?

8 A. No.

9 Q. But the hearing was -- do you remember which
10 particular committee hearing?

11 A. The committee hearing where this legislation went
12 through.

13 Q. Okay. And this was S.B. 14?

14 A. Yes.

15 Q. So March 2011?

16 A. Yes.

17 Q. Okay. Did you have any conversations with Paul
18 Bettencourt?

19 A. No.

20 Q. Did you have any conversations with any experts,
21 political scientists, concerning photographic voter ID before
22 filing this bill?

23 A. I would have to say probably no.

24 Q. Okay. Did you have any conversations with any
25 experts, including political scientists, at any time after you



1 filed this bill concerning photographic voter ID?

2 A. I have concerns that those are privileged. But we
3 were doing due diligence in the legislation, so I am probably
4 sure there were some conversations with experts.

5 Q. Just to jump back real quickly to Ms. Engelbrecht, how
6 many times did you speak with her?

7 A. Maybe once or twice.

8 Q. Was it on the phone?

9 A. She came by the office after the committee hearing.

10 Q. Okay. And how long was the conversation?

11 A. Ten minutes.

12 Q. Okay. Did you have any conversations -- excuse me.

13 Who are the experts who you had conversations with?

14 A. I can't recall. I don't know for sure that I did.

15 Q. Did you ever speak with an individual named Hans von
16 Spakovsky?

17 A. No, I didn't.

18 Q. Are you aware of any conversations that occurred with
19 Mr. Von Spakovsky?

20 A. I think my chief of staff may have, but I don't know
21 for sure.

22 Q. Okay. That's fine. Did you ever have any
23 conversations with George Hammerline?

24 A. Yes.

25 Q. When did that occur?



1 A. Probably after -- probably after they announced that I
2 would be carrying the bill in the House.

3 Q. And who is George Hammerline?

4 A. He's someone who works for one of the government
5 agencies in Harris County. I can't tell you which one. He used
6 to work with Paul Bettencourt before Bettencourt left office.

7 Q. Okay. Did you speak with him in person?

8 A. He came by the office.

9 Q. About how long was the conversation or conversations?

10 A. Longer than I wanted. Maybe five, ten minutes.

11 Q. Okay. Did you ever have any conversations with any
12 minority groups concerning photographic voter ID?

13 A. I can't tell you for sure, but I know that after it
14 was announced that we would carry the legislation, there were a
15 number of groups that came back to visit about --

16 Q. Do you recall any of the names of those groups?

17 A. It seems like League of Women Voters was probably one,
18 but I can't recall all of them. And I didn't meet with them.

19 Q. Who did?

20 A. I would -- I don't know if one of the interns did,
21 Julie or Colby. I'm not sure.

22 Q. Did you make any changes to either your proposed bill,
23 H.B. 112 or S.B. 14 as a result of concerns expressed by these
24 groups?

25 MR. SWEETEN: Hold on a minute. Don't reveal any



1 thoughts, mental impressions or opinions about legislation or
2 conversations or the substance of conversations with any
3 legislator, staff, state agency, TLC or constituents.

4 A. That is privileged.

5 Q. Okay. Who drafted the bill that you have in front of
6 you, H.B. 112?

7 A. Leg Council.

8 Q. What input did you provide?

9 MR. SWEETEN: Don't talk about the specific
10 substance of any input or communications you've had with TLC.

11 A. None.

12 Q. Who else provided input concerning the substance of
13 the bill?

14 MR. SWEETEN: Again, I think that you're asking
15 her to provide mental impressions, opinions about legislation or
16 conversations that she's had with the individuals or entities
17 named. So I'm going to instruct you not to answer based on
18 legislative privilege.

19 Q. If you can indicate if you're not answering on the
20 basis of privilege, that would be great.

21 A. Not answering based on privilege.

22 Q. Okay. Thank you. Are you aware of whether the
23 speaker provided input concerning the substance of H.B. 112?

24 MR. SWEETEN: Same objection, same instruction.

25 A. Privileged.

